

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

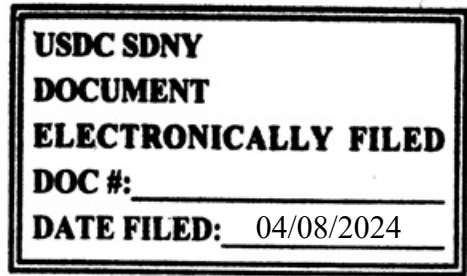
ABDULLAH ABDUL HAQQ,

Plaintiff,

-against-

SERGEANT SMITH; LIEUTENANT  
EDUARDO CHANDRADEO; P.O. RANDY  
DELGADO; P.O. M. DUCASSE,

Defendants.



24-CV-0137 (MMG)

**ORDER OF SERVICE**

MARGARET M. GARNETT, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated his rights.<sup>1</sup> The Court construes the amended complaint as asserting constitutional claims under 42 U.S.C. § 1983 and claims under state law. By order dated January 11, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>2</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all

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<sup>1</sup> By order dated January 29, 2024, Chief Judge Laura Taylor Swain directed Plaintiff to file an amended complaint to cure deficiencies in the original complaint. (ECF 4.) Plaintiff filed the amended complaint on March 6, 2024. (ECF 5.) The amended complaint is the operative pleading.

<sup>2</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the amended complaint until the Court reviewed the amended complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Randy Delgado #12464, M. Ducasse #97-2617, Sergeant Smith, and Edwardo Chandradeo #941717 through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the amended complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to issue summonses for Randy Delgado #12464, M. Ducasse #97-2617, Sergeant Smith, and Edwardo Chandradeo #941717, complete the USM-285 form with the address for Defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further instructed to mail an information package to Plaintiff.

Plaintiff may receive court documents by email by completing the attached form, [Consent to Electronic Service](#).<sup>3</sup>

SO ORDERED.

Dated: April 8, 2024  
New York, New York

  
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MARGARET M. GARNETT  
United States District Judge

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<sup>3</sup> If Plaintiff consents to receive documents by email, Plaintiff will no longer receive court documents by regular mail.

**DEFENDANTS AND SERVICE ADDRESSES**

1. Randy Delgado #12464  
451 W. 151 Street  
New York, NY 10031
2. M. Ducasse #97-2617  
451 W. 151 Street  
New York, NY 10031
3. Sergeant Smith  
451 W. 151 Street  
New York, NY 10031
4. Edwardo Chandradeo #941717  
451 W. 151 Street  
New York, NY 10031

### CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

#### Civil case(s) filed in the Southern District of New York:

Please list all your pending and terminated cases to which you would like this consent to apply. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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Name (Last, First, MI)

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Address

City

State

Zip Code

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Telephone Number

E-mail Address

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Date

Signature